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*Attorneys for Plaintiff*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SANDRA MCMILLION, JESSICA  
ADEKOYA, and IGNACIO PEREZ, on  
Behalf of Themselves and all Others  
Similarly Situated,

Plaintiffs,

v.

RASH CURTIS & ASSOCIATES,

Defendant.

Case No. 4:16-cv-03396-YGR

**PLAINTIFF'S ADMINISTRATIVE  
MOTION TO FILE DOCUMENTS  
UNDER SEAL**

Courtroom: 1, 4th Floor

Judge: Hon. Yvonne Gonzalez Rogers

1 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

2 **PLEASE TAKE NOTICE THAT** pursuant to Northern District of California Civil Rule  
3 Local Rules 7-11 and 79-5, and the protective order issued in the case (Dkt. No. 29), Plaintiff  
4 Ignacio Perez (“Plaintiff”) hereby moves the Court for an order allowing him to file under seal the  
5 following information (collectively, the “Confidential Information”):

- 6 • Defendant’s Trial Exhibit 504 (RCA 272-278) to the Supplemental Declaration of Yeremey  
7 Krivoshey In Support of Plaintiff’s Motions *in Limine*.

8 This administrative motion is based on the following Memorandum of Points and  
9 Authorities, the Declaration of Yeremey Krivoshey in Support of Plaintiff’s Administrative Motion  
10 to File Under Seal, the Protective Order entered in this action, and all pleadings and papers on file  
11 in this action.

12 Dated: February 19, 2019

**BURSOR & FISHER, P.A.**

13 By: /s/ Yeremey Krivoshey  
14 Yeremey Krivoshey

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24 *Attorneys for Plaintiff*

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 The Confidential Information is covered by the parties' 2/24/17 Protective Order (Dkt. No.  
3 29). Northern District Civil Local Rule 79-5(d) provides that counsel seeking to file portions of  
4 documents under seal may file a motion under Local Rule 7-11 and may lodge with the Court  
5 documents for which redacting is requested. Civil Local Rule 79-5(b) provides that the Court may  
6 order documents sealed if they are "privileged, protectable as trade secret or otherwise entitled to  
7 protection under the law . . . ." Plaintiff has lodged the Confidential Information in the manner  
8 provided for in Local Rule 79-5(c). There is good cause to permit the Confidential Information to  
9 be redacted from the public versions of the documents.

10 This Court has the power to seal records to protect confidential and proprietary business  
11 and personal information. Both federal and California law recognize that courts should employ  
12 reasonable means to protect trade secrets or other confidential and medical information, and that  
13 allowing the redaction of such information from publicly filed documents is one of those means.  
14 *See* Civil Local Rule 79-5; Fed. R. Civ. P. 26(c)(1)(G) (a court may enter an order "requiring that a  
15 trade secret or other confidential research, development, or commercial information not be  
16 revealed"); Cal. Civ. Code § 3426.5 ("[A] court shall preserve the secrecy of an alleged trade secret  
17 by reasonable means, which may include granting protective orders in connection with discovery  
18 proceedings, holding in-camera hearings, sealing the records of an action, and ordering any person  
19 involved in the litigation not to disclose an alleged trade secret without prior court approval.").

20 Though courts recognize a general right to inspect and copy public records and documents,  
21 including judicial records, the Supreme Court has stated that this right is limited:

22 It is uncontested, however, that the right to inspect and copy  
23 judicial records is not absolute. Every court has supervisory power  
24 over its own records and files, and access has been denied where  
25 court files might have become a vehicle for improper purposes.

26 *Nixon v. Warner Communications, Inc.*, 435 U.S. 589, 598 (1978).

27 In discussing examples of improper purposes, the Court observed that courts are not to  
28 serve as "sources of business information that might harm a litigant's competitive standing." *Id.*  
As the Ninth Circuit has put it:

1 The law . . . gives district courts broad latitude to grant protective orders to  
2 prevent disclosure of materials for many types of information, including,  
3 but not limited to, trade secrets or other confidential research,  
4 development, or commercial information. Rule 26(c) authorizes the  
5 district court to issue “any order which justice requires to protect a party  
6 or person from annoyance, embarrassment, oppression or undue burden.”  
7 The Supreme Court has interpreted this language as conferring “broad  
8 discretion on the trial court to decide when a protective order is  
9 appropriate and what degree of protection is required.”

10 *Phillips v. General Motors Corp.*, 307 F.3d 1206, 1211 (9th Cir. 2002) (internal citations omitted).

11 As shown below, good cause exists to seal the parties’ Confidential Information.

12 The Confidential Information is subject to the 2/24/17 Protective Order (Dkt. No. 29). The  
13 Confidential Information is a medical record of a third party. The Confidential Information  
14 contains personal identifying information, such as name, address, medical and financial  
15 information, social security numbers, status of debt, etc., regarding a person who is not a party to  
16 this litigation. On October 17, 2017, Magistrate Judge Corley ordered the parties to produce  
17 medical records of third parties subject to the Protective Order and that those records be maintained  
18 as confidential. *See* Krivoshey Decl., ¶¶ 2, 3, Ex. 1.

19 Public disclosure of the Confidential Information could harm the undisclosed person’s  
20 protected privacy interests and could be used by third parties for purposes of identity theft and  
21 fraud. Any interest in the public disclosure of the Confidential Information is outweighed by such  
22 person’s and Defendant’s confidentiality interests. *Krivoshey Decl.*, ¶ 4.

## 23 CONCLUSION

24 For the foregoing reasons, Plaintiff requests that the Court grant this Administrative  
25 Motion.

26 Dated: February 19, 2019

Respectfully submitted,

**BURSOR & FISHER, P.A.**

By: /s/ Yeremey Krivoshey  
Yeremey Krivoshey

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